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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,163	08/23/2001	Michael Meiresonne	MEI03 P-300	1287

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EXAMINER

NGUYEN, MERILYN P

ART UNIT PAPER NUMBER

2161

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,163

Applicant(s)

MEIRESONNE, MICHAEL

Examiner

Merilyn P. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/26/2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/26/2005 has been entered.
2. In response to the communication dated 04/26/2005, claims 1-54 are pending in this office action.
3. Application No. 10/421268 filed on April 23, 2003 is a continuation in part of this application.

Acknowledges

4. Receipt is acknowledged of the following items from the Applicant:
 - o The applicant's amendments have been considered and made of record.

Abstract

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. **It should avoid using phrases which can be implied, such as, "The disclosure**

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concerns," "The disclosure defined by this invention," "The disclosure describes," etc. (Emphasis added).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8-17, 24-34, 36-46, and 48-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rebane (US 6,662,192), in view of Fenton (US 2002/0194151).

Regarding claims 1 and 11, Rebane discloses a method to identify a supplier of goods or services over the Internet comprising:

providing a home page/index page ("infomediary website") for a user having at least one link to a directory Web site for a class ("category") of goods or services having a directory Web site address (Bizrate.com) at least partially descriptive of the class of goods or services (Figs. 16, 18, 20) wherein said directory Web site contains a supplier link to a corresponding supplier's Web site (See Fig. 18, and col. 32, lines 13-31), wherein the home page and the directory Web sites are configured to allow a user to access the homepage (See col. 32, lines 13-31); select a user determined directory Web site based at least in part on the directory Web site address and activate the user determined directory Web site link corresponding to the directory Web site

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selected by the user link to the selected directory Web site and select the supplier link for a supplier of goods or services (See page 32, line 57 to page 33, line 67).

Rebane further discloses activate the first user determined supplier link to the corresponding user selected first supplier link, thereby launching a first supplier internet browser window and displaying the supplier Web site in the first supplier internet browser window (See Fig. 20 and corresponding text) as per claim 11.

Rebane does not explicitly teach a rollover window wherein the rollover window conveys information about a supplier corresponding to the supplier link when the user's cursor is placed substantially over the supplier link, where the information conveyed about the supplier includes a written description of at least one of the supplier's goods or services. On the other hand, Fenton teaches a rollover window (See [0109], Fenton et al.). Because Fenton system use to index websites' content, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate a rollover window into the website of Rebane as suggested by Fenton. Fenton teaches rollover display box 838 describing the content item or provide other information to the user about the content item when the user rolls over the content item (See [0109], lines 4-7, Fenton et al.). Although the rollover display box 838 describes information related to multi-media, one having ordinary skill in the art would have recognized that written description in rollover display box can be a description of the supplier's goods or services; therefore, incorporating the rollover display box into the system of Rebane to display information about the supplier's goods or services, thus is well known and intended use. The motivation would have been providing useful information about suppliers to user so that user can decide whether to make further move.

Regarding claims 2 and 13, Rebane/Fenton discloses the directory Web site further comprises a first paragraph of text comprising a description of the class of goods or services (“Home>Computer Harward&Software>PDAs”, Fig. 18, Rebane).

Regarding claims 3 and 14, Rebane/Fenton discloses wherein the directory Web site further comprises a descriptive title portion substantially corresponding to the description of the class of goods or services described by the directory Web site domain name (Top BizRater PDA, Fig. 18, Rebane).

Regarding claims 4 and 15, Rebane/Fenton discloses wherein the directory Web site further comprises a link to the home page (home, Fig. 20).

Regarding claims 5, 6, 16, and 17, Rebane/Fenton discloses the directory Web site further comprises a supplier descriptive portion corresponding to the supplier, wherein the supplier descriptive portion is located substantially adjacent the corresponding supplier link (See Fig. 18, “3% rebate” is a supplier descriptive portion of Outpost.com).

Regarding claims 8-10, Rebane/Fenton discloses wherein the rollover window conveys information visually/audibly to the user and utilizes a script (See [0039], [0090], Fenton et al.).

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Regarding claim 12, Rebane/Fenton discloses selecting a subsequent user determined supplier link for a subsequent supplier of goods or services; and activating the subsequent user determined supplier link to the corresponding user selected subsequent supplier Web site thereby launching a second supplier Internet browser window and displaying the subsequent supplier Web site in the second supplier internet browser window (See Fig. 20, Rebane).

Regarding claims 24-25, 36-37 and 48, these claims contain all the claimed subject matter as set forth above in claims 1, 3, and 6, thus rejected as the same.

Regarding claims 26-27, and 38-39, Rebane/Fenton discloses wherein the directory web site comprises a first set of supplier links and a second set of supplier links (See Fig. 20, Rebane).

Regarding claims 28-29, and 40-41, Rebane/Fenton discloses wherein the first rollover window is substantially visible when the first set of supplier links is substantially visible (See [0090], Fenton et al.).

Regarding claims 30, 33-34, 42, and 45-46, Rebane/Fenton discloses wherein the directory Web site comprises a second rollover window (See [0090], [0109], Fenton et al.).

Regarding claims 31-32 and 43-44, Rebane/Fenton discloses a plurality of directory Web sites (See Fig. 18, Rebane), wherein each directory Web site contains at least one link to at least other directory Web site (See Fig. 18 and 20, Rebane).

Regarding claims 49, 51, and 53, these claims contain all the claimed subject matter as set forth above in claims 24, and further discloses access a convention search engine; input a search strategy into the conventional search engine to search for a supplier of a user determined good or service; view ranked result links as analyzed by the conventional search engine's

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algorithm and displayed by the conventional search engine; and activate a ranked result link corresponding to the directory web site corresponding to the user inputted search strategy thereby allowing the user to access the directory web site corresponding to the user inputted search strategy. Please see col. 31, line 62 to col. 32, line 12, Rebane.

Regarding claims 50, 52, and 54, Rebane/Fenton discloses wherein the directory Web site further comprises a related directory Web site link (See Figs. 18 and 20, Rebane et al.).

7. Claims 7, 18-23, 35, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rebane (US 6,662,192), in view of Fenton (US 2002/0194151), and further in view of Perkes (US 2002/0194601).

Regarding claims 7, 18, 35, and 47, Rebane/Fenton discloses all the claimed subject matter as set forth above, however Rebane/Fenton is silent as to wherein the directory Web site comprises at least one substantially descriptive metatag. On the other hand, Perkes teach descriptive metatag (See [0042], Perkes et al.). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include descriptive metatag into the directory Web site of Rebane/Fenton. The motivation would have been to cover all possible related searches and increase the ranking archived as suggested by Perkes.

Regarding claim 22, this claim contains all the claimed subject matter as set forth above in claims 1, 3, 6, and 7, thus rejected as the same.

Regarding claims 19-21, this claim contains all the claimed subject matter as set forth above in claims 22 and 49, thus rejected as the same.

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Regarding claim 23, Rebane/Fenton/Perkes discloses wherein the rollover window utilizes a script (See [0039], [0090], Fenton et al.).

Response to Arguments

8. Applicant's arguments filed on 04/26/2005 with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that neither Rebane nor Fenton nor Perkes, or the combination thereof, teach or suggest a rollover window that conveys a written description of at least one of a supplier's goods or services, when the rollover window is activated. The examiner respectfully disagrees. Fenton teaches rollover display box 838 describing the content item or provide other information to the user about the content item when the user rolls over the content item (See [0109], lines 4-7, Fenton et al.). Although the rollover display box 838 describes information related to multi-media, one having ordinary skill in the art would have recognized that written description in rollover display box can be a description of the supplier's goods or services; therefore, incorporating the rollover display box into the system of Rebane to display information about the supplier's goods or services, thus is well known. A rollover window that conveys a written description of at least one of a supplier's goods or services such is not a patentable distinction. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making,

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the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Myers U.S. 2003/0004837 discloses methods and systems for providing supplier information.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marilyn P. Nguyen whose telephone number is 571-272-4026. The examiner can normally be reached on M-F: 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MN

MN
May 11, 2005


FRANTZ COBY
PRIMARY EXAMINER